

Union Calendar No. 172

117TH CONGRESS
2^D SESSION

H. R. 4476

[Report No. 117-239, Part I]

To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. MELJER (for himself and Mr. KATKO) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 1, 2022

Additional sponsors: Mrs. LURIA and Mr. DELGADO

FEBRUARY 1, 2022

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 1, 2022

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 16, 2021]

A BILL

To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DHS Trade and Eco-*
 5 *nomics Security Council Act of 2021”.*

6 **SEC. 2. DHS TRADE AND ECONOMIC SECURITY COUNCIL.**

7 *(a) IN GENERAL.—Subtitle H of title VIII of the*
 8 *Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is*
 9 *amended by adding at the end the following new section:*
 10 **“SEC. 890B. DHS TRADE AND ECONOMIC SECURITY COUN-**
 11 **CIL.**

12 *“(a) ESTABLISHMENT.—There is established in the De-*
 13 *partment the DHS Trade and Economic Security Council*
 14 *(referred to in this section as the ‘Council’).*

15 *“(b) DUTIES OF THE COUNCIL.—The Council shall*
 16 *provide to the Secretary advice and recommendations on*
 17 *matters of trade and economic security, including—*

18 *“(1) identifying concentrated risks for trade and*
 19 *economic security;*

20 *“(2) setting priorities for securing the Nation’s*
 21 *trade and economic security;*

22 *“(3) coordinating Department-wide activity on*
 23 *trade and economic security matters;*

24 *“(4) with respect to the President’s continuity of*
 25 *the economy plan under section 9603 of the William*

1 *M. (Mac) Thornberry National Defense Authorization*
2 *Act of Fiscal Year 2021;*

3 “(5) *proposing statutory and regulatory changes*
4 *impacting trade and economic security; and*

5 “(6) *any other matters the Secretary considers*
6 *appropriate.*

7 “(c) *MEMBERSHIP.—*

8 “(1) *IN GENERAL.—The Council shall be com-*
9 *posed of the following members:*

10 “(A) *The Assistant Secretary for Trade and*
11 *Economic Security of the Office of Strategy, Pol-*
12 *icy, and Plans of the Department.*

13 “(B) *An officer or an employee, selected by*
14 *the Secretary, from each of the following compo-*
15 *nents and offices of the Department:*

16 “(i) *The Cybersecurity and Infrastruc-*
17 *ture Security Agency.*

18 “(ii) *The Federal Emergency Manage-*
19 *ment Agency.*

20 “(iii) *The Office of Intelligence and*
21 *Analysis.*

22 “(iv) *The Science and Technology Di-*
23 *rectorate.*

24 “(v) *United States Citizenship and*
25 *Immigration Services.*

1 “(vi) *The Coast Guard.*

2 “(vii) *U.S. Customs and Border Pro-*
3 *tection.*

4 “(viii) *U.S. Immigration and Customs*
5 *Enforcement.*

6 “(ix) *The Transportation Security Ad-*
7 *ministration.*

8 “(2) *CHAIR AND VICE CHAIR.—The Assistant*
9 *Secretary for Trade and Economic Security shall*
10 *serve as Chair of the Council. The Assistant Secretary*
11 *for Trade and Economic Security may designate a*
12 *Council member as a Vice Chair.*

13 “(d) *MEETINGS.—The Council shall meet not less fre-*
14 *quently than quarterly, as well as—*

15 “(1) *at the call of the Chair; or*

16 “(2) *at the direction of the Secretary.*

17 “(e) *BRIEFINGS.—Not later than 180 days after the*
18 *date of the enactment of this section and every six months*
19 *thereafter for four years, the Council shall brief the Com-*
20 *mittee on Homeland Security of the House of Representa-*
21 *tives and the Committee on Homeland Security and Gov-*
22 *ernmental Affairs of the Senate on the actions and activities*
23 *of the Council.*

24 “(f) *DEFINITION.—In this section, the term ‘economic*
25 *security’ means the condition of having secure and resilient*

1 *domestic production capacity combined with reliable access*
 2 *to the global resources necessary to maintain an acceptable*
 3 *standard of living and protect core national values.”.*

4 *(b) CLERICAL AMENDMENT.—The table of contents in*
 5 *section 1(b) of the Homeland Security Act of 2002 is*
 6 *amended by inserting after the item relating to section 890A*
 7 *the following new item:*

“Sec. 890B. DHS Trade and Economic Security Council.”.

8 **SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC**
 9 **SECURITY.**

10 *Section 709 of the Homeland Security Act of 2002 (6*
 11 *U.S.C. 349) is amended—*

12 *(1) by redesignating subsection (g) as subsection*
 13 *(h); and*

14 *(2) by inserting after subsection (f) the following*
 15 *new subsection:*

16 *“(g) ASSISTANT SECRETARY FOR TRADE AND ECO-*
 17 *NOMIC SECURITY.—*

18 *“(1) IN GENERAL.—There is within the Office of*
 19 *Strategy, Policy, and Plans an Assistant Secretary*
 20 *for Trade and Economic Security.*

21 *“(2) DUTIES.—The Assistant Secretary for*
 22 *Trade and Economic Security shall be responsible for*
 23 *policy formulation regarding matters relating to eco-*
 24 *nomie security and trade, as such matters relate to*
 25 *the mission and the operations of the Department.*

1 “(3) *ADDITIONAL RESPONSIBILITIES.—In addi-*
2 *tion to the duties specified in paragraph (2), the As-*
3 *stant Secretary for Trade and Economic Security*
4 *shall—*

5 “(A) *oversee—*

6 “(i) *the activities and enhancements of*
7 *requirements for supply chain mapping not*
8 *otherwise assigned by law or by the Sec-*
9 *retary to another officer; and*

10 “(ii) *assessments and reports to Con-*
11 *gress related to critical economic security*
12 *domains;*

13 “(B) *serve as the executive for the Depart-*
14 *ment on the Committee on Foreign Investment*
15 *in the United States (CFIUS), the Committee for*
16 *the Assessment of Foreign Participation in the*
17 *United States Telecommunications Services Sec-*
18 *tor, and the Federal Acquisition Security Coun-*
19 *cil (in addition to any position on such Council*
20 *occupied by a representative of the Cybersecurity*
21 *and Infrastructure Security Agency of the De-*
22 *partment);*

23 “(C) *coordinate with stakeholders in other*
24 *Federal departments and agencies and non-gov-*
25 *ernmental entities with trade and economic secu-*

1 *rity interests, authorities, and responsibilities;*
 2 *and*

3 *“(D) perform such additional duties as the*
 4 *Secretary or the Under Secretary of Strategy,*
 5 *Policy, and Plans may prescribe.*

6 *“(4) DEFINITIONS.—In this subsection:*

7 *“(A) CRITICAL ECONOMIC SECURITY DO-*
 8 *MAIN.—The term ‘critical economic security do-*
 9 *main’ means any infrastructure, industry, tech-*
 10 *nology, or intellectual property (or combination*
 11 *thereof) that is essential for the economic security*
 12 *of the United States.*

13 *“(B) ECONOMIC SECURITY.—The term ‘eco-*
 14 *nomie security’ has the meaning given such term*
 15 *in section 890B.”.*

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 *There are authorized to be appropriated to the Sec-*
 18 *retary of Homeland Security \$3,000,000 for each of fiscal*
 19 *years 2022 through 2026 to carry out section 890B and sub-*
 20 *section (g) of section 709 of the Homeland Security Act of*
 21 *2002, as added and inserted, respectively, by sections 2 and*
 22 *3 of this Act.*

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